

Entered

/PP/

October 1, 2008

RECEIVED
CENTRAL FAX CENTER

SEP 15 2008

KRIEG · DEVAULT LLP
ATTORNEYS AT LAW

FAX COVER PAGE

DATE: September 15, 2008

PAGES INCLUDING THIS PAGE: 12

TO: Examiner Paul B. Prebilic, Group Art Unit 3774
 COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300
 PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333
 FAX NUMBER: (317) 636-1507

RE: Response to Final Office Action for U.S. Patent Application No. 10/624,981 to Thomas Zdeblick et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

September 15, 2008
 (Date of Transmission)

Douglas A. Collier
 Name of Registered Representative
Douglas A. Collier
 Signature

Hard copy will be sent via: Regular Mail Overnight Courier Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 333 MSD1-168

WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204 TELEPHONE-(317) 636-4341 FAX-(317) 636-1507	KRIEG DEVAULT LLP 12800 N MERIDIAN STREET SUITE 300 CARMEL, IN 46032 TELEPHONE-(317) 566-1110 FAX-(317) 636-1507	KRIEG DEVAULT GALVIN LLP 5231 HOHMAN STREET HAMMOND, IN 46320 TELEPHONE-(219) 933-0380 FAX-(219) 933-0471	KRIEG DEVAULT LUNDY LLP 825 ANTHONY WAYNE BUILDING 203 EAST BERRY STREET FT. WAYNE, IN 46802 TELEPHONE-(260) 422-1534 FAX-(260) 423-1590
---	---	--	---

KD_IM-1744688_1.DOC

RECEIVED
CENTRAL FAX CENTER

002

SEP 15 2008

PTO/SB/21 (09-04)

Approved for use through 07/31/2005. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/624,981
Filing Date	July 22, 2003
First Named Inventor	Thomas Zdeblick et al.
Art Unit	3774
Examiner Name	Paul B. Prebilic
Attorney Docket Number	MSDI-168/PC566.02

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Fax Cover Sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg Devault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	September 15, 2008	Reg. No.	43,556

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		Date	September 15, 2008
Typed or printed name	Douglas A. Collier		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

SEP 15 2008

#1719053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	Before the Examiner:
application of:)	Paul B. Prebilic
Thomas Zdeblick et al.)	
Serial No. 10/624,981)	Group Art Unit:
)	3774
Filed: July 22, 2003)	September 15, 2008
)	
SPINAL IMPLANTS AND TOOL FOR)	Atty Docket No.:
INSERTION AND REVISION)	MSDI-168/PCS566.02

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed July 15, 2008, please consider the following. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees due, or credit any overpayment, to Deposit Account 12-2424, but not including the payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 15, 2008
 Date of Transmission

Douglas A. Collier
 Name of Registered Representative

Signature

Douglas A. Collier
September 15, 2008
 Date of Signature

Response to Final Office Action
 Ser. No. 10/624,981
 Atty Docket No. MSDI-168/PCS566.02
 Page 1 of 10